

**REMARKS**

In accordance with the foregoing, claim 1 has been amended and claims 11 and 12 have been cancelled without prejudice or disclaimer, thus claims 1-9 and 13-37 are pending and under consideration. No new matter is included in this amendment.

**The 35 U.S.C. §102(e) Rejection:**

At page 2 of the Office Action, claims 1-9, 11 and 13-14 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,287,726 to Ohta et al. Claim 1 has been amended as set forth above to incorporate the features of claims 11 and 12. Claim 12 originally depended from claim 11 which depended from claim 1. Thus, claim 1 as presently amended includes all of the features which claim 12 would have included if claim 12 had been amended to include the features of claims 1 and 11 and thus claim 1 is deemed to be allowable since the Examiner has indicated that claim 12 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 2-10, 13 and 14 are deemed to be patentable at least for similar reasons set forth above regarding amended claim 1. Claim 11 has been cancelled without prejudice or disclaimer.

**Allowable Subject Matter:**

At pages 2 - 3 of the Office Action, the Examiner indicates that claims 15-37 are allowed and that claim 12 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As set forth above, claim 12 has been cancelled without prejudice or disclaimer and claim 1 has been amended to include all of the features which claim 12 would have included if claim 12 had been amended to include the features of claims 1 and 11.

**Premature Finality of Office Action:**

At page 3 of the Office Action, the Examiner indicates that the present Office Action is made final, referencing MPEP §706.07(a). It is respectfully submitted that based on MPEP §706.07(a) that the Final Rejection is premature. In the present Office Action, the Examiner has introduced a new reference and stated that the present Office Action includes a new ground for rejection. The Examiner notes that "claim 1 has been amended to include structural limitations which [were] not present in the original claim 1. The structural limitations included in amended claim 1, were those originally included in previously allowable claim 10. In the previous Office

Action, the Examiner indicated that claims 4-37 were allowable. In an amendment in response to the previous Office Action, claim 1 was amended to incorporate the features of allowable claim 10. Based on the previous prior art of record, the application should have been in condition for allowance; thus, the present rejection is a new ground for rejection within the meaning of MPEP §706.07(a), and a final rejection is premature based on these facts.

**Conclusion:**

It is respectfully submitted that the above amendments place this application in condition for allowance. If such is not the case, it is respectfully requested that the finality of the present Office Action be withdrawn or at least the amendment be entered for purposes of appeal. As pointed out above, the Examiner's new grounds for rejection should not have resulted in a Final Office Action, since Applicants had amended original claim 1 to include a recitation of subject matter of original claim 10, which the Examiner had determined to be allowable in the previous Office Action.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

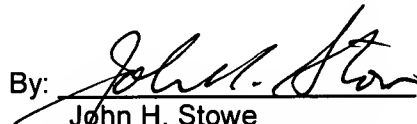
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 1/25/06

By:   
John H. Stowe  
Registration No. 32,863

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510